



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,679	12/12/2001	Bruce E. Probst	HBO-41	2540
20583	7590	12/01/2005	EXAMINER	
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			TRUONG, CAM Y T	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/016,679	Applicant(s) PROBST ET AL.	
	Examiner Cam Y T. Truong	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16,23-25 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16,23-25 and 31-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant has amended claims 1, 14-16 and canceled claims 17-22 in the amendment filed on 9/19/2005.

Claim 1-16, 23-25 and 31-41 are pending in this Office Action.

Response to Arguments

2. Applicant's arguments with respect to claims 1-25 and 31-41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-16, 23-25 and 31-41 are rejected under 35 U.S.C.101 because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practice application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

Claims 1, 14-16 recite "a document type definition". However, the claims 1, 14-16 fails to contain a computer that is used implemented the system so as to realize its functionality. Thus, the body of claims 1, 14-16 is merely abstract idea and is being processed without any links to a practical result in the technology arts and without computer manipulation.

Claims 2-13, 31-41 recite "a document type definition". However, these claims fail to contain a computer that is used to implement the system so as to realize its functionality. Thus, the bodies of these claims are merely abstract idea and is being processed without any links to a practical result in the technology arts and without computer manipulation.

Claims 23-25 recite "A digital asset library". However, the computer readable medium contains nonfunctional descriptive material. Thus, the claim 25 is merely abstract idea and is being processed without any links to a practical result in the technology arts and without computer manipulation.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 6 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al (or hereinafter "Huang") (US 6593936).

As to claim1, Huang teaches the claimed limitation "a document type definition" as DTDs (col. 7, lines 40-41);

"declared elements and attributes for at least two types of digital assets selected from the group consisting of photographs, audio recordings, video recordings, movies, graphics, and text documents" as the DTD provides a list of the elements, tags, attributes, and entities contained in the document. This document contains two types audio and animation (col. 7, lines 50-55; col. 15).

As to claim 2, Huang teaches the claimed limitation " wherein said document type definition is encoded in extensible markup language (XML)" as XML (col. 14, Appendix).

As to claim 6, Huang teaches the claimed limitation " comprising metadata for photographs, and movies" as (col. 7, lines 50-55; col. 15).

As to claim 14, Huang teaches the claimed limitation "metadata for at least three types of digital assets selected from the group consisting of photographs, movies, graphics, and text documents" as (col. 8, lines 25-40; col. 15).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Sezan et al (or hereinafter "Sezan") (US 6236395).

As to claim 3, Huang teaches the claimed limitation "metadata for photographs" attributes for scenes as photographs (col. 7, lines 50-55; col. 15). Huang does not explicitly teach the claimed limitation "audio recordings". Sezan teaches audio recordings (col. 29, lines 20-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Sezan's teaching of attribute voice-annotation for audio and color profile for video to Huang's system in order to allow a user to search/retrieve digital motion video or video image in a database quickly.

As to claim 4, Huang teaches the claimed limitation "metadata for photographs" attributes for scenes as photographs (col. 7, lines 50-55; col. 15). Huang does not explicitly teach the claimed limitation "video recordings". Sezan teaches video recordings ((col. 19, lines 35-45).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Sezan's teaching of attribute voice-annotation for audio and color profile for video to Huang's system in order to allow a user to search/retrieve digital motion video or video image in a database quickly.

As to claim 5, Huang does not explicitly teach the claimed limitation “metadata for photographs, audio recordings, and video recordings”. Sezan audio recordings (col. 19, lines 35-45).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Sezan’s teaching of attribute voice-annotation for audio and color profile for video to Huang’s system in order to allow a user to search/retrieve digital motion video or video image in a database quickly.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Scoff et al (or hereinafter “Scoff”).

As to claim 7, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation “a definition for black/white; a definition for color and a definition for caption”. Sezan teaches the management may include the capabilities of a device for providing the audio, video, and/or images. Such capabilities may include, for example, screen size, stereo, AC3, DTS, color, black/white (col. 6, lines 25-30). Scott teaches media frames are preset within the template definition, normally for common text captions (col. 19, lines 35-40).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Sezan’s teaching of color back/white and Scott’s teaching of media frames are preset within the template definition, normally for common text captions to Huang’s system in order to permit a user can control color of image or movie following user’s desire and understand the meaning of movie.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Foreman et al (or hereinafter "Foreman") (USP 6628303) and Lawler et al (hereinafter "Lawler") (USP 5907323).

As to claim 8, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation "a definition for music; a definition for track title; and a definition for duration". Foreman teaches Title track, duration (fig. 6). Lawler teaches timing definitions for music (col. 8, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Foreman's teaching of title track, duration and Lawler's teaching of timing definitions for music to Huang's system in order to provide information about programming available on such systems to a user and save time for viewers search/view information.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Berhan (USP 6487145).

As to claim 9, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation "a definition for compact disc (CD) number; and a definition for CD title". Berhan teaches CD number and CD title (col. 8, lines 30-40; col. 9, lines 60-65).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Berhan's teaching of CD number and CD title to

Huang's system in order to track music data from the storage media at the listening rate.

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Reimer et al (or hereinafter "Reimer") (USP 6065042).

As to claim 10, Huang teaches the claimed limitation "a definition for title" title is a brief textual, or a proper name (fig. 2). Huang does not explicitly teach the claimed limitation "a definition for version". Reimer teaches the VCR video version 702 includes five frames, whereas the corresponding shot 706 in the theatrical presentation 724 includes four frames. Each frame in the VCR video version 702 includes an unique time code. These time codes are measured from the beginning of the VCR video version 702. Since the number of frames per shot differ in the VCR video version 702 and the theatrical presentation 724, the time codes between the VCR video version 702 and the theatrical presentation 724 also differ (col. 12, lines 50-65).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Reimer's teaching of Reimer's teaching of video version includes an unique time code to Huang's system in order to allow a viewer to understand meaning of version before select any version of a movie or any media.

14. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Landis (UPS 5659368) and Cane et al (or hereinafter "Cane") (USP 6157931).

As to claim 11, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation “a definition for rating; a definition for minutes; and a definition for release date”. Landis teaches rating information for movies; minute data field has a valid range from 0 to 59 (col. 9, lines 40-45; col. 10, lines 50-67). Cane teaches definition of release date (col. 2, lines 30-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Landis teaches rating information for movies, minute data field has a valid range from 0 to 59 and Cane’s teaching definition of release date to Huang’s system in order to search/retrieve media file following user’s derise.

15. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth et Huang in view of Sezan and Murphy et al (or hereinafter “Murphy”) (USP 6625810).

As to claim 12, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation “a definition for run time; a definition for color; and a definition for synopsis. Sezan teaches color back/white, timestamps (col. 6, lines 25-30; col. 12, lines 35-40). Murphy teaches a brief plot synopsis (col. 1, lines 45-47).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Sezan’s teaching of color back/white, timestamps and Murphy’s teaching of a brief plot synopsis to Huang’s system in order to monitor a plurality of different time slots for media files for future processing.

16. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Sheth et al (or hereinafter "Sheth") (US 6311194).

As to claim 13, Sheth teaches the claimed limitation "a definition for director; and a definition for cast" as (col. 3, lines 35-45). Sheth teaches mazon.com visitors, for instance, can search classical music CDs by composer, conductor, performer, etc. Customers looking for videos can search mgm.com by title, director, cast, or year.

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Sheth's teaching of director and cast to Huang's system in order to allow a company to segment its video assets, enter and search by an arbitrary number of user-specified attributes.

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Montgomery et al (or hereinafter "Montgomery") (USP 6380950) and Hendrichs et al (or hereinafter "5659350").

As to claim 15, Huang teaches the claimed limitation "metadata for photographic digital assets, audio digital assets" as (col. 8, lines 25-40; col. 15). Huang does not explicitly teach the claimed limitation "promo digital assets, and voiceover digital assets". Montgomery teaches voiceovers 492 (fig. 4B). Henrich teaches audio tracks to promos is stored database (col. 13, lines 30-35; col. 37, lines 15-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Montgomery's teaching of voice-overs and Hendrichs's teaching of audio tracks to promos is stored database to Huang's system in order to

allow a view to manipulate voice for motion video or any different type of multimedia data and to track usage of digital content on user devices quickly.

18. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Montgomery et al (or hereinafter "Montgomery") (USP 6380950) and Hendrichs et al (or hereinafter "5659350").

As to claim 16, Huang teaches the claimed limitation "digital content selected from the group consisting of digitally encoded asset data, a link to a file containing asset data, and a reference to a location where asset data is digitally stored" as (col. 8, lines 25-40; col. 15; col. 7, lines 20-50);

" metadata for at least three types of digital assets selected from the group consisting of photographs, movies, graphics, and text documents" as (col. 7, lines 20-50; col. 8, lines 25-40; col. 15).

Huang does not explicitly teach the claimed limitation "promos voiceovers, audio recordings and video recordings". Montgomery teaches voiceovers 492 (fig. 4B). Hendricks teaches audio/video and storing audio track to promos in database (col. 13, lines 30-35; col. 37, lines 15-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Montgomery's teaching of voiceovers and Hendricks's teaching audio/video and storing audio track to promos in database to Huang's system in order to allow a user to search/retrieve digital motion video or video image in a

database quickly and allow a view to manipulate voice for motion video or any different type of multimedia data easily.

19. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan in view of Huang.

As to claims 23, Sezan teaches the claimed limitations:

“a plurality of records, one said record identifying a photograph, a second said record identifying a video recording, and a third said record identifying an audio recording” as (col. 19-col. 20, col. 5, lines 30-35).

Sezan does not explicitly the claimed limitation “and a document type definition (DTD) comprising definitions for photographs, video recordings, and audio recordings; said DTD corresponding to said database records”. Huang teaches DTD definition for multimedia file including video and audio (col. 8, lines 25-40; col. 15);

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Huang of DTD definition for multimedia file including video and audio to Sezan’s system in order to search a portion of multimedia files via a network easily and quickly or save time searching/retrieving multimedia files.

As to claim 24, Sezan teaches the claimed limitation “a database comprising a plurality of records, one said record identifying a photograph, a second said record identifying a video recording, and a third said record identifying an audio recording” as (col. 19-col. 20, col. 5, lines 30-35);

“and digital content comprising a photograph, a video recording, and an audio recording” as (fig. 2).

Sezan does not explicitly the claimed limitation a” document type definition (DTD) comprising definitions for photographs, video recordings, and audio recordings, said DTD corresponding to said database records”.

Huang teaches DTD definition for multimedia file including video and audio (col. 8, lines 25-40; col. 15);

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Huang of DTD definition for multimedia file including video and audio to Sezan’s system in order to search a portion of multimedia files via a network easily and quickly or save time searching/retrieving multimedia files.

20. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheth in view of Huang.

As to claim 25, Sheth teaches the claimed limitations:

database comprising a plurality of records, said records identifying at least two types of digital assets selected from the group consisting of still images, audio recordings, video recordings, voice-overs, movies, graphics, and text documents” as ((figs. 1-6 &11, col. 8, lines 20-45).

Sheth does not explicitly teach the claimed limitation “audio recordings, video recordings, voice-overs, promos; a document type definition (DTD) comprising

Art Unit: 2162

definitions for said at least two types of digital assets, said DTD corresponding to said database records”.

Huang teaches DTD definition for multimedia file including video and audio (col. 8, lines 25-40; col. 15);

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Huang of DTD definition for multimedia file including video and audio to Sezan’s system in order to search a portion of multimedia files via a network easily and quickly or save time searching/retrieving multimedia files.

21. Claims 31, 32, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Rabne.

As to claim 31, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation “metadata for rights management of said at least two types of digital assets”. Rabne teaches user based on the rights of the user registered with the RM system into Huang’s system to access the content of the digital libraries. Each user has a access ID (col. 18, liens 20-40).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Rabne’s teaching of user based on the rights of the user registered with the RM system to access the content of the digital libraries. Each user has a access ID to into Huang’s system in order to prevent hackers or crackers to modify digital media file without permission.

As to claim 32, Huang teaches the claimed limitation subject matter in claim 1, except the claimed limitation "a contract identifier". Rabne teaches user's ID (col. 18, lines 35-40).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Rabne's teaching of user's ID to into Huang's system in order to prevent hackers or crackers to modify digital media file without permission.

As to claim 37, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein said rights management metadata indicates whether world wide rights are granted". Rabne teaches access a usage rights to the content of the digital libraries that may content a movie (col. 18, lines 50-55).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Rabne's teaching of access an usage rights to the content of the digital libraries that may content a movie to into Sheth's system and Sezan's system in order prevent unauthorized to make copy a movie or view a movie without permission.

As to claim 40, Sheth and Sezan disclose the claimed limitation subject matter in claim 1, except the claimed limitation "a plurality of metadata attributes for said movie metadata, said movie metadata attributes comprising a definition for allowable usage of a movie". Rabne teaches access a usage rights to the content of the digital libraries that may content a movie (col. 18, lines 50-55).

It would have been obvious to a person of an ordinary skill in the art at the invention was made to apply Rabne's teaching of access and usage rights to the content of the digital libraries that may contain a movie to into Sheth's system and Sezan's system in order to prevent unauthorized to make copy a movie or view a movie without permission.

22. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Rabne and Rivera et al (or hereinafter "Rivera") (UPS 6056786).

As to claim 33, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation "an availability start date". Rivera teaches as illustrated a portion of a typical audit log 80. The present invention utilizes certain data contained in a typical audit log to determine license compliance. An entry 82 in the audit log 80 includes a timestamp 84 comprised of the date and start and end times of the transaction in a form such as "1997/06/23, 07:38:04, 97:38:06". The entry 80 also identifies the name of the user or user ID 86 and the name of the client computer or client ID 88 from which the transaction was initiated" as (col. 6, lines 25-40).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Rivera's teaching of start time to into Huang's system in order to track user's transactions and prevent unauthorized use of a license.

As to claim 34, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation "an availability end date" Rivera teaches as illustrated a

portion of a typical audit log 80. The present invention utilizes certain data contained in a typical audit log to determine license compliance. An entry 82 in the audit log 80 includes a timestamp 84 comprised of the date and start and end times of the transaction in a form such as "1997/06/23, 07:38:04, 97:38:06". The entry 80 also identifies the name of the user or user ID 86 and the name of the client computer or client ID 88 from which the transaction was initiated" as (col. 6, lines 25-40).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Rivera's teaching of start time to into Huang's system in order to track user's transactions and prevent unauthorized use of a license.

23. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Rabne and further in view of Rose et al (or hereinafter "Rose") (USP 5752244).

As to claim 35, Huang does not explicitly teach the claimed limitation "wherein said rights management metadata identifies a copyright holder". Rose teaches the user can enter copyright information, such as the copyright owner, for the asset in the copyright filed (col. 18, lines 30-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Rose's teaching of the user can enter copyright information, such as the copyright owner, for the asset in the copyright filed to into Huang's system in order to prevent unauthorized to make copy digital media without permission.

24. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Rabne and Hurtado et al (or hereinafter "Hurtado") (USP 6418421).

As to claim 36, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein said rights management metadata comprises an allowed number of plays per agreement". Hurtado teaches number of plays is permitted (col. 9, lines 55-65).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Hurtado's teaching of the number of plays is permitted to into Huang's system in order to control unlocked content only by authorized intermediate or end-user that have secured a license or prevent users make a copy of file or play a music without permission.

25. Claims 38, 39, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Rose.

As to claim 38, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation "a plurality of metadata attributes for said photograph metadata, said photograph metadata attributes comprises a definition for legal restrictions associated with a photograph". Rose teaches the user can enter copyright information, such as the copyright owner, for the asset in the copyright filed before

Art Unit: 2162

retrieving multimedia assets of various types including images as photographs (abstract, col. 18, lines 30-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Rose's teaching of the user can enter copyright information, such as the copyright owner, for the asset in the copyright filed before retrieving multimedia assets of various types including images to into Huang's system in order to prevent unauthorized to make copy digital media without permission.

As to claim 39, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation "a plurality of metadata attributes for said audio metadata, said audio metadata attributes comprising a definition for rights issues regarding use of an audio recoding". Rose teaches the user can enter copyright information, such as the copyright owner, for the asset in the copyright filed before retrieving multimedia assets of various types including audio (abstract, col. 18, lines 30-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Rose's teaching of the user can enter copyright information, such as the copyright owner, for the asset in the copyright filed before retrieving multimedia assets of various types including audio to into Sheth's system and Sezan's system in order to prevent unauthorized to make copy digital media without permission.

As to claim 41, Huang discloses the claimed limitation subject matter in claim 1, except the claimed limitation "a plurality of metadata attributes for said video-recordings metadata, said video-recordings-metadata attributes comprising a definition for rights issues regarding use of a video recording". Rose teaches the user can enter copyright information, such as the copyright owner, for the asset in the copyright filed before retrieving multimedia assets of various types including video (abstract, col. 18, lines 30-35).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Rose's teaching of the user can enter copyright information, such as the copyright owner, for the asset in the copyright filed before retrieving multimedia assets of various types including video to into Huang's system in order to prevent unauthorized to make copy digital media without permission.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

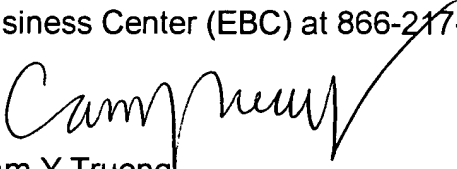
Prolli (US 5895870).

Contact Information

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cam-Y Truong
Patent Examiner
Art Unit 2162
11/22/2005